

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

DENNIS L. BOYD, et al.,

Plaintiffs,

vs.

U.S. BANK, N.A.,

Defendant.

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Case No. 4:11CV00466 AGF

MEMORANDUM AND ORDER

This matter is before the Court on the Parties' separate motions to enforce a settlement agreement purportedly reached in this case. On March 27, 2012, the Court issued an order staying discovery based on the Parties' representation that they had reached a settlement in principle and were negotiating the terms of a loan modification.

“Contract law governs the question of whether the parties entered into an enforceable settlement agreement.” *Leaf Funding, Inc. v. Florissant MRG, Inc.*, No. 4:08CV00284 (CEJ), 2010 WL 1438810, at *3 (E.D. Mo. Apr. 12, 2010) (quoting *St. Louis Union Station Holdings, Inc. v. Discovery Channel Store, Inc.*, 301 S.W.3d 549, 552 (Mo. Ct. App. 2009). “The creation of a valid settlement agreement requires a meeting of the minds and a mutual assent to the essential terms of the agreement.” *Id.* Upon review of the record, it is apparent to the Court that an agreement has not been reached on at least one significant matter, the payment of escrow fees.

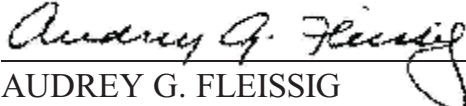
Accordingly,

IT IS HEREBY ORDERED that Plaintiffs' Motion to Enforce Settlement is **DENIED**. (Doc. No. 44.)

IT IS FURTHER ORDERED that Defendant's Motion to Enforce Settlement Agreement is **DENIED**. (Doc. No. 40.)

IT IS FURTHER ORDERED that the stay issued on March 27, 2012, is **LIFTED**.

IT IS FURTHER ORDERED that the Parties, on or before September 10, 2012, shall submit a joint proposed Amended Case Management Order to govern the continuation of this case.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 30th day of August, 2012.